



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

| | | |
|-------------------------------|---|---------------------------|
| THR CALIFORNIA, L.P., |) | No. CV 13-07022-UA (VBK) |
| |) | |
| Plaintiff, |) | ORDER SUMMARILY REMANDING |
| |) | IMPROPERLY-REMOVED ACTION |
| v. |) | |
| |) | |
| VIRGINIA D. THOMPSON, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

The Court will remand this "Complaint for Unlawful Detainer (Limited Jurisdiction Demand is Under \$10,000.00)", Case No. 13L00199, to state court summarily because Defendant removed it improperly.

On September 23, 2013, Defendant Noel Joe, who is not a named party in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not

1 competently allege facts supplying either diversity or federal-
2 question jurisdiction, and therefore removal is improper. 28 U.S.C.
3 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
4 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete
5 diversity of citizenship exists, the amount in controversy does not
6 exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
7 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
8 recites that the amount in controversy does not exceed \$10,000.

9 Nor does Plaintiff's unlawful detainer action raise any federal
10 legal question. See 28 U.S.C. §§ 1331, 1441(b).

11 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
12 the Superior Court of California, Los Angeles County, Southwest
13 Division, 825 Maple Avenue, Torrance, California 90503 for lack of
14 subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that
15 the Clerk send a certified copy of this Order to the state court; and
16 (3) that the Clerk serve copies of this Order on the parties.

17 **IT IS SO ORDERED.**

18
19 DATED: 9/28/13



HONORABLE GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE